

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OPERATING PERMIT TECHNICAL REVIEW DOCUMENT**

**Permitting and Compliance Division
1520 E. Sixth Avenue
P.O. Box 200901
Helena, Montana 59620-0901**

Stillwater Mining Company
Sections 1, 2, 10, 11, 15, 16, 21, and 23, Township 5 South, Range 15 East, Stillwater County, Montana
2562 Nye Road
Nye, MT 59061

The following table summarizes the air quality programs testing, monitoring, and reporting requirements applicable to this facility.

Facility Compliance Requirements	Yes	No	Comments
Source Tests Required	X		Method 5 and Method 9, Visual Surveys
Ambient Monitoring Required	X		
COMS Required		X	
CEMS Required		X	
Schedule of Compliance Required		X	
Annual Compliance Certification and Semiannual Reporting Required	X		
Monthly Reporting Required		X	
Quarterly Reporting Required		X	
Applicable Air Quality Programs			
ARM Subchapter 7 Preconstruction Permitting	X		Permit #2459-13
New Source Performance Standards (NSPS)	X		40 CFR 60, Subpart LL
National Emission Standards for Hazardous Air Pollutants (NESHAPS)	X		40 CFR 61, Subpart M
Maximum Achievable Control Technology (MACT)		X	
Major New Source Review (NSR)		X	
Risk Management Plan Required (RMP)		X	
Acid Rain Title IV		X	
State Implementation Plan (SIP)	X		General SIP

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SECTION I. GENERAL INFORMATION

A. Purpose

This document establishes the basis for the decisions made regarding the applicable requirements, monitoring plan, and compliance status of emission units affected by the operating permit proposed for this facility. The document is intended for reference during review of the proposed permit by the Environmental Protection Agency (EPA) and the public. It is also intended to provide background information not included in the operating permit and to document issues that may become important during modifications or renewals of the permit. Conclusions in this document are based on information provided in the original application submitted by Stillwater Mining Company (Stillwater) on April 1, 1999; additional information submitted on May 27, 1999; comments submitted on the Draft Operating Permit received on December 4, 2000; comments received from EPA on April 24, 2001; information provided in the application for significant permit modification submitted on December 27, 2001; additional submittal on March 19, 2002; additional information received on November 15, 2002; and information received by the Department of Environmental Quality (Department) on October 7, 2003; the operating permit renewal application submitted on December 7, 2005; and from Montana Air Quality Permit #2459-13.

B. Facility Location

The mine facility is located 6 miles south of Nye, Montana. The legal description of the site is within Township 5 South, Range 15 East, in Stillwater County, Montana.

C. Facility Background Information

Preconstruction Permit Background

Permit #2459 was issued for the Stillwater Mine on March 29, 1988, to Stillwater. It was based on 1000 tons per day of ore production.

Permit #2459A was an alteration issued October 21, 1988, to extend mining to the east side of the Stillwater River with no increase in ore production, but a slight increase in particulate emissions.

Permit #2459A-2 was issued March 11, 1991, to clarify language relative to the annual production limitation.

Permit #2459-03 was issued August 14, 1992, to increase the ore production rate from 1,000 to 3,500 tons per day (TPD) and from 365,000 to 730,000 tons per year (TPY).

Permit #2459-04 was a modification issued on April 27, 1993.

Permit #2459-05 was a modification issued on June 18, 1995, to clarify the performance testing requirement on the wet scrubber controlling emissions from the concentrate dryer. The permit was also updated to include a more specific listing of applicable regulations.

Permit #2459-06 was an alteration issued October 18, 1995, to replace the concentrate dryer wet scrubber with a fabric filter collector (baghouse). Notification and testing requirements relative to the baghouse were also added.

Permit #2549-07 was a modification issued on April 17, 1997, to add crushing, screening, and hauling of bedding material to the emission inventory in the permit analysis. It had been inadvertently taken out of the emission inventory in a previous permitting action. Permit number citations in the permit and analysis were also updated.

Permit #2459-08 was issued on October 25, 1998. Stillwater requested a production limit increase from 730,000 TPY or 3,500 TPD, to 1,825,000 TPY or 5,000 TPD. The increased activity at the mine resulted in an increase in PM₁₀ emissions of approximately 48 TPY. A New Source Review – Prevention of Significant Deterioration (NSR/PSD) review was not required for the proposed production increase because the facility is not a listed source nor does the facility's potential to emit (excluding fugitive emissions) exceed 250 tons per year of any pollutant.

In addition, Stillwater planned to construct and operate a new tailings impoundment located approximately 7 miles northeast of the mine site (2 miles northeast of Nye), install a pipeline system along Stillwater County Road 420 and reclaim the resulting surface disturbance, and expand the waste rock storage area located on the east side of the Stillwater River at the mine site.

The application review addressed potential emissions from the new tailings impoundment and east side waste rock storage area. The Department review of the application did not address emissions generated during the construction of the tailings impoundment or the pipeline system. During the construction activities, Stillwater is responsible to comply with applicable requirements.

Stillwater submitted written comments dated March 16, 1998, on the preliminary determination (PD) of Permit #2459-08. As a result of those comments, the Department made several changes to the permit. The language in Section II.A.1 was revised to remove the language requiring emission testing every 4 years. Testing was required when the dryer's process rate increased above the process rate that the dryer was functioning at during the last performance test. For example, if the dryer process rate increases above the level it was operating at during the particulate test performed on October 21, 1996, an emissions test would be required. The Department removed the requirement for Stillwater to move the downwind PM₁₀ sampler within 90 days after Permit #2459-08 is final. The permit does specify that Stillwater would move the sampling site to a different location, approved by the Department, at such time as the east-side waste-rock storage encroaches on the current location. Stillwater was required to request the Department's approval of the new downwind PM₁₀ sampler at least 90 days prior to moving to a new site. The Department added crushing, screening, and hauling of bedding material to the emission inventory in the Permit Analysis. This activity was listed in Permit #2459-07. Controlled emissions from this activity are 2.32 tons per year. Permit #2459-08 replaced Permit #2459-07.

On March 29, 2000, Stillwater was issued **Permit #2459-09**. Stillwater submitted an application on January 20, 2000, for the alteration of Permit #2459-08. The alteration included the installation and operation of a new surface jaw crusher and conveying system. The new system is subject to 40 CFR, Subpart LL, New Source Performance Standards for Metallic Mineral Processing. Permit #2459-09 replaced Permit #2459-08.

On April 11, 2001, the Department received a letter from Stillwater requesting a need for permit determination for the addition of an emergency generator at the Hertzler Pump Station, a Nordberg cone crusher (maximum capacity 70 ton/hr), and associated material handling equipment. Because the potential uncontrolled emissions from the proposed changes did not exceed the de minimis threshold of 15 tons per year, the permit action was accomplished under the Administrative Rules of Montana (ARM) 17.8.705(1)(r). The crushing system was determined to be subject to 40 CFR 60, Subpart LL, New Source Performance Standards for Metallic Mineral Processing. Permit **#2459-10** replaced Permit #2459-09.

On December 27, 2001, Stillwater submitted a complete permit application for the alteration of air quality Preconstruction Permit #2459-10. The alteration involved the addition of an existing, but not-permitted, cement batch plant including conveyors and material silos and the modification of the existing Nordberg cone crusher. Further, the permit action incorporated an existing, but not-permitted, paste plant and associated cement silo in accordance with ARM 17.8.705(1)(r).

The Nordberg cone crusher and all associated material transfer points are subject to the requirements of 40 CFR 60, Subpart LL, Metallic Mineral Processing Plants.

Further, in accordance with Permit #2459-10, on October 1, 2001, the downwind PM₁₀ air sampler was relocated to the Stillwater Valley Ranch (Stillwater North). Attachment 1, Ambient Air Monitoring Plan – Stillwater Mining Company, to air quality Permit #2459-11 was updated to incorporate the changed downwind PM₁₀ monitoring location. Permit **#2459-11** replaced Permit #2459-10.

On March 19, 2002, the Department received a letter from Stillwater requesting a modification to air quality Permit #2459-11. The modification includes removing the Hertzler Pump Station emergency diesel generator from the list of permitted equipment and adding an emergency diesel generator (Paste Plant Emergency Flush Pump) to the Paste Plant facility. Because potential uncontrolled emissions from the proposed Paste Plant Emergency Flush Pump, operating under the emergency generator requirements in Section II.A.13 of Preconstruction Permit #2459-12, do not exceed the de minimis threshold of 15 tons per year, the current permit action was completed in accordance with ARM 17.8.705(1)(r). Permit **#2459-12** replaced Permit #2459-11.

On January 15, 2003, Stillwater was issued final Montana Air Quality Permit #2459-13. This permit action removed Attachment 1, Ambient Air Monitoring Plan, and discontinued ambient monitoring requirements for the Stillwater Mining operation, effective at the end of June 2002. Further, under this permit action, Stillwater added two 1,500 cubic feet per minute (cfm) 400 kilowatt (kW) diesel air compressor engines (compressors #1 and #2) to the permitted equipment at the facility. Finally, the Department updated various sections of the permit to reflect current permit language and requirements. **Permit #2459-13** replaced Permit #2459-12.

Operating Permit Background

On June 8, 2001, Stillwater was issued final and effective Operating Permit #OP2459-00 for operation of the platinum/palladium mine and all associated equipment.

On December 27, 2001, Stillwater submitted a permit application for the modification of Title V Operating Permit #OP2459-00. The significant modification included applicable changes made to the Stillwater mining operation since issuance of the facility's Operating Permit #OP2459-00. The permit action added applicable requirements for the Nordberg surface crusher and associated equipment to Section III.D of the operating permit, incorporated the Paste Plant Emergency Flush Pump emergency diesel generator (EU012) into Section III.G of the operating permit, added Section III.H to the operating permit to incorporate the Cement Batch Plant operations (EU013), and added the paste plant operation (IEU12) to the existing insignificant emitting unit list contained in Appendix B of this operating permit.

Further, Appendix F to the operating permit was updated to reflect the placement and incorporation of the new downwind PM₁₀ ambient air sampler at the Stillwater North location. Details regarding associated preconstruction permit changes are contained in Section I.C, Facility Background Information, of this document. Operating Permit **#OP2459-01** would have replaced Operating Permit #OP2459-00 had it gone final. This operating permit was issued as a draft permit only and subsequently withdrawn by Stillwater.

On July 25, 2002, the Department received a request from Stillwater for the withdrawal of draft Operating Permit #OP2459-01. Stillwater requested the permit withdrawal for the purpose of including two 1,500 cfm 400-kW diesel fired air compressor engines (compressor #1 and Compressor #2) to the permitted emitting units at the facility. Compressor #1 and #2 were proposed at the facility after issuance of draft Operating Permit #OP2459-01 and prior to issuance of

proposed Operating Permit #OP2459-01. The current permit action adds compressor #1 (EU014) and compressor #2 (EU015) to Section III.H of the operating permit. The permit application for Operating Permit #**OP2459-02** was deemed technically complete on November 15, 2002, after the Department received incomplete information requested from the initial application submittal on July 25, 2002.

Further, on May 21, 2002, the Department received a request from Stillwater to relax or discontinue ambient air monitoring requirements for the mine located near Nye, MT. When determining if permitted ambient monitoring requirements can be relaxed or discontinued the Department uses the Department Monitoring Requirements Guidance Statement established October 9, 1998. The guidance statement provides an ambient air monitoring decision matrix to be used for determining the need for ambient monitoring.

Since 1988, Stillwater has operated ambient air samplers on a once every-6-day schedule from November through April and on a once-every-3-day schedule from May through October. Based on actual sampling data from the period of 1997 through 2000 and using the Department's ambient air monitoring decision matrix, the Department determined, with a high level of confidence, that discontinuation of ambient monitoring is appropriate for the Stillwater facility. As stated in a letter to Stillwater dated June 10, 2002, effective at the end of June 2002, Stillwater is no longer subject to ambient air monitoring requirements. Under the current permit action, Appendix F, Ambient Air Monitoring Plan, has been removed.

Further, during the draft permit stage of the current permit action, Stillwater indicated that the facility responsible official has been changed from Harry Smith, Chief Operating Officer, to John Stark, Vice President. Also, during the draft permit stage of the current permit action, Stillwater indicated that the Concentrate Dryer (EU001 in Operating Permit #OP2459-00 and draft Operating Permit #OP2459-01) has been removed from the facility. Therefore, under the proposed permit, the Department removed the Concentrate Dryer from the permit. Finally, the Department updated the operating permit to reflect current operating permit language and format.

In addition to the proposed changes incorporated into withdrawn draft Operating Permit #OP2459-01, this permit action incorporated all of the above proposed changes. Operating Permit #**OP2459-02** replaced draft Operating Permit #OP2459-01 and final Operating Permit #OP2459-00.

On October 7, 2003, the Department received a request from Stillwater for an administrative amendment of Operating Permit #OP2459-02 to update Section V.B.3 of the General Conditions incorporating changes to federal Title V rules 40 CFR 70.6(c)(5)(iii)(B) and 70.6(c)(5)(iii)(C) (to be incorporated into Montana's Title V rules at ARM 17.8.1213) regarding Title V annual compliance certifications. Operating Permit #**OP2459-03** replaced Operating Permit #OP2459-02.

D. Current Permit Action

As required under ARM 17.8.1205(d), on December 7, 2005, Stillwater submitted to the Department an application for Title V Operating Permit Renewal #OP2459-03. The application was deemed technically complete on December 7, 2005.

Since issuance of Operating Permit #OP2459-03, there have not been any significant modifications to permitted operations at the Stillwater facility. The current permit action updates various sections of the Operating Permit with current Title V Operating Permit language and established requirements. Operating Permit #**OP2459-04** replaces Operating Permit #OP2459-03.

E. Takings and Damaging

HB 311, the Montana Private Property Assessment Act, requires analysis of every proposed state agency administrative rule, policy, permit condition or permit denial, pertaining to an environmental matter, to determine whether the state action constitutes a taking or damaging of private real

property that requires compensation under the Montana or U.S. Constitution. As part of issuing an operating permit, the Department is required to complete a Taking and Damaging Checklist. As required by 2-10-101 through 105, MCA, the Department has conducted a private property taking and damaging assessment and has determined there are no taking or damaging implications. The checklist was completed on February 27, 2007.

F. Compliance Designation

On August 15, 2006, the Department inspected the Stillwater facility. The inspection and material reviewed in the Department's files indicated that the facility was in compliance with the limits and conditions of Montana Air Quality Permit #2459-13 and Title V Operating Permit #OP2459-03 at the time of the inspection.

SECTION II. SUMMARY OF EMISSION UNITS

A. Facility Process Description

The Stillwater Mine is an underground platinum/palladium (platinum group metals) mine. The operation includes ore and waste excavation, crushing, conveying, grinding, flotation concentration, concentrate drying (direct propane fired), and tailings disposal. The concentrate is trucked to Stillwater Mining Company's Columbus Smelter for further processing.

B. Emission Units and Pollution Control Device Identification

The emission units regulated by this permit are the following (ARM 17.8.1211):

Emission Unit ID	Description	Pollution Control Device/Practice
EU001	Mine Ventilation Exhaust	NA
EU002	Crushing Ore (Surface)	Water Spray and/or Chemical Dust Suppressant as Necessary
EU003	Load Dump; Coarse Ore into Crusher Hopper	Water Spray and/or Chemical Dust Suppressant as Necessary
EU004	Load Dump; Course Ore into Mill Hopper	Water Spray and/or Chemical Dust Suppressant as Necessary
EU005	Conveying System Transfer Points	Water Spray and/or Chemical Dust Suppressant as Necessary
EU006	Load Dump; Waste Rock onto Tailings Embankment / Storage	Water Spray and/or Chemical Dust Suppressant as Necessary
EU007	Disturbed Areas	Water Spray and/or Chemical Dust Suppressant as Necessary; Re-Vegetation
EU008	Haul Roads	Water Spray and/or Chemical Dust Suppressant as Necessary
EU009	Diesel Use	NA
EU010	Unleaded Gasoline Use	NA
EU011	Paste Plant Emergency Flush Pump Emergency Diesel Generator	500 Hour Operational Limit; Emergency/Back-Up Operation Only
EU012	Cement Batch Plant Operations	Water Spray and/or Chemical Dust Suppressant as Necessary; Enclosure and Fabric Filtration
EU013	Diesel Air Compressor #1	Good Combustion Practices
EU014	Diesel Air Compressor #2	Good Combustion Practices
EU015	Soda Ash Silo Bin Vent	Fabric Filter Baghouse

C. Categorically Insignificant Sources/Activities

The following table of insignificant sources and/or activities was provided by Stillwater. Because there are no requirements to update such a list, the emission units and/or activities may change from those specified in the table.

Emission Unit ID	Description
IEU01	SAG Mill (wet process)
IEU02	Ball Mills
IEU03	Cycloning
IEU04	Floatation Circuit
IEU05	Thickener
IEU06	Vacuum Filter
IEU07	Bedding Material Crusher
IEU09	Bedding Material Screening
IEU10	Topsoil Stockpiles
IEU11	Coarse Ore Stockpiles
IEU12	Paste Plant Operations
IEU13	Propane Combustion
IEU14	Shaft Generator
IEU15	Open Burning
IEU16	Fuel Storage Tanks

SECTION III. PERMIT CONDITIONS

A. Emission Limits and Standards

The Department determined that the emission limits applicable to EU001 – Mine Ventilation Exhaust, are as follows: the particulate matter limit is established using the particulate matter calculation for new equipment according to the ARM 17.8.309; Opacity is limited to 20% in accordance with ARM 17.8.304(2). All previously listed emission limits have been established through Montana Air Quality Permit (MAQP) #2459-13.

The Department determined that the emission limits that apply to EU002, EU003, EU004, EU005 – Crushing Ore (Surface); Crusher Load-Out Hopper; Mill Load-Out Hopper; and Conveying System Transfer Points, respectively, are as follows: the particulate matter limit (0.05 g/dscm), process emission limit (7% opacity), and process fugitive emission limit (10% opacity), were established according to 40 CFR Part 60, Subpart LL, Standards of Performance for Metallic Mineral Processing Plants. All previously listed emission limits have been established through MAQP #2459-13.

The Department determined that the emission limit applicable to EU006 – Waste Rock onto Tailings Embankment/Storage, is as follows: Opacity is limited to 20% in accordance with ARM 17.8.308. The limit was established in MAQP #2459-13.

The Department determined that the emission limits applicable to EU007, EU008 – Disturbed Areas; Haul Roads, are as follows: opacity is limited to 20% in accordance with ARM 17.8.304(2) and ARM 17.8.749. Further, Stillwater must use reasonable precautions to control fugitive emissions from Disturbed Areas; Haul Roads in accordance with ARM 17.8.308. Stillwater shall have water and or chemical dust suppressant available at all times and used as necessary to maintain compliance with the reasonable precautions limitation (ARM 17.8.308, ARM 17.8.749, and ARM 17.8.752). The limit was established in MAQP #2459-13.

The Department determined that the emission limits applicable to EU009, EU010 – Combustion of Diesel Fuel and Gasoline are as follows: the particulate matter limit is established using the particulate matter calculation for new fuel burning equipment (ARM 17.8.309). The opacity limit applicable to all affected sources is 20% established through Best Available Control Technology (BACT) (ARM 17.8.752) and in accordance with ARM 17.8.304. All previously listed emission limits have been established through MAQP #2459-13.

The Department determined that the operational and emission limits applicable to EU011 – Paste Plant Emergency Flush Pump Emergency Diesel Generator are as follows: the opacity limit applicable to all affected sources is 20% established through BACT (ARM 17.8.752) and in accordance with ARM 17.8.304. Further, the emergency diesel generator will only be operated during backup or emergency situations and is limited to 500 hours of operation during any rolling 12-month time period (ARM 17.8.749).

The Department determined that the operational and emission limits applicable to EU012 – Cement Batch Plant Operations are as follows: the opacity limit applicable to all affected sources is 20% established through BACT (ARM 17.8.752) and in accordance with ARM 17.8.304. Further, Stillwater must use reasonable precautions to control fugitive emissions from the Cement Batch Plant Operations in accordance with ARM 17.8.308. Stillwater shall have water and/or chemical dust suppressant available at all times and used as necessary to maintain compliance with the reasonable precautions limitation (ARM 17.8.308, ARM 17.8.749, and ARM 17.8.752).

The Department determined that the operational and emission limits applicable to EU013 and EU014 – Diesel Air Compressor #1 and #2 are as follows: the opacity limit applicable to all affected sources is 20% established through BACT (ARM 17.8.752) and required under ARM 17.8.304 (ARM 17.8.304 and ARM 17.8.752).

The Department determined that the emission limits that apply to EU015 (soda ash bin vent), are as follows: the particulate matter limit (0.05 g/dscm), process emission limit (7% opacity), and process fugitive emission limit (10% opacity), were established according to 40 CFR Part 60, Subpart LL, Standards of Performance for Metallic Mineral Processing Plants.

B. Monitoring Requirements

ARM 17.8.1212(1) requires that all monitoring and analysis procedures or test methods required under applicable requirements be contained in operating permits. In addition, when the applicable requirement does not require periodic testing or monitoring, periodic monitoring must be prescribed that is sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit.

The requirements for testing, monitoring, recordkeeping, reporting, and compliance certification, sufficient to assure compliance, does not require the permit to impose the same level of rigor for all emission units. Furthermore, it does not require extensive testing or monitoring to assure compliance with the applicable requirements for emission units that do not have a significant potential to violate emission limitations or other requirements under normal operating conditions. When compliance with the underlying applicable requirement for an insignificant emission unit is not threatened by lack of regular monitoring and when periodic testing or monitoring is not otherwise required by the applicable requirement, the status quo (**i.e., no monitoring**) will meet the requirements of ARM 17.8.1212(1). Therefore, the permit does not include monitoring for insignificant emission units.

The permit includes periodic monitoring or recordkeeping for each applicable requirement. The information obtained from the monitoring and recordkeeping will be used by the permittee to periodically certify compliance with the emission limits and standards. However, the Department may request additional testing to monitor compliance with the emission limits and standards.

Further, under the current permit action the Department removed previously existing ambient air quality monitoring requirements for the Stillwater mine. Appendix F, Ambient Air Monitoring Plan, of Operating Permit #OP2459-00 and draft Operating Permit #OP2459-01 has been removed under the current permit action.

C. Test Methods and Procedures

The operating permit may not require testing for all sources if routine monitoring is used to monitor compliance, but the Department has the authority to require testing if deemed necessary to monitor compliance with an emission limit or standard. In addition, the permittee may elect to voluntarily conduct compliance testing to confirm its compliance status.

D. Recordkeeping Requirements

The permittee is required to keep all records listed in the operating permit as a permanent business record for at least 5 years following the date of the generation of the record.

E. Reporting Requirements

Reporting requirements are included in the permit for each emission unit and the ambient air monitoring program. Section V – General Conditions of the operating permit explains the reporting requirements for the compliance monitoring reports. The permittee is required to submit semi-annual and annual compliance monitoring reports to the Department and the compliance monitoring reports must include a list of all emission limit and monitoring deviations, the reason for any deviation, and the corrective action taken as a result of any deviation. The permittee must annually certify compliance with the applicable requirements contained in the permit.

F. Public Notice

In accordance with ARM 17.8.1232, a public notice was published in *The Billings Gazette* newspaper on or before March 8, 2007. The Department provided a 30-day public comment period on the draft operating permit from March 8, 2007, through April 9, 2007. ARM 17.8.1232 requires the Department to keep a record of both comments and issues raised during the public comment process. The comments and issues received by April 9, 2007, will be summarized, along with the Department's responses, in the following table. The Department received comments from Stillwater on April 10, 2007. Although the comments received from Stillwater were past the 30-day comment period, the Department made the changes below because the comments were not substantial and were administrative in nature. Stillwater's comments and the Department's responses are listed below.

Summary of Public Comments

Individual/Group Commenting	Comment	Department Response
None	NA	NA

G. Draft Permit Comments

Summary of Permittee Comments

Permit Reference	Permittee Comment	Department Response
Page i	Facility address change from HC 54, P.O. Box 365 to 2562 Nye Road.	The Department will incorporate the facility address change into the proposed permit, as requested.
Page 1	Telephone number change for Mr. John Stark to 406-373-8700.	The Department will incorporate the telephone number change into the proposed permit, as requested.
Page 1	Facility Contact Person change to Randy Weimer, 406-328-8529.	The Department will incorporate the Facility Contact Person change into the proposed permit, as requested.
Page 7 Section C, Crushers; Conveyors; etc.	For clarification, the baghouse identified in the table be listed as the Nordberg Baghouse.	The Department will clarify the baghouse identified in the table as the Nordberg Baghouse in the proposed permit, as requested.
Page 8, Section C.1.b	Remove final sentence; appears to be duplication.	The Department will remove the final sentence in the proposed permit, as requested.

<p>Compliance Demonstration; Visual Surveys</p>	<p>In the Bureau’s attempt to clarify language associated with “Excessive Emissions”, we believe a defacto permit limit has been established. The proposed action level requires a permittee to either conduct a Method 9 test or take corrective action to mitigate the “excessive emissions” even though emissions are within permitted levels. Although Stillwater certainly supports and promotes a proactive approach to ensuring compliance, setting action levels below permit limits should be a voluntary best management practice and not a compliance requirement. Although the old language may have been confusing to some, we believe that the new language goes above and beyond regulatory intent.</p>	<p>The previous visual survey language required corrective action for "any excessive emissions." The current visual survey language included in the draft OP2459-04 (and in any other Title V renewals that include visual survey requirements issued by the Department) focuses that effort on opacities approaching the applicable limit, in an effort to avoid noncompliance and to encourage operators to understand and identify (and remedy, if possible) conditions that could cause noncompliance. Pursuant to ARM 17.8.1213, all Title V operating permits "shall contain compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit." If action was required only at opacities 20 percent and higher, for example (assuming the applicable limit was 20 percent), the compliance demonstration would not be assuring or monitoring compliance, but documenting corrective action after noncompliance had already occurred.</p> <p>If Stillwater objects to the visual survey requirements, it has the option of conducting semiannual Method 9 tests as an alternative.</p>
<p>The current permit (OP2459-03) contains the following language,</p>	<p>“If a source of excessive fugitive emissions is identified, Stillwater shall contain or minimize the source of emissions, unless cold weather or other circumstances would make this activity result in hazardous conditions.” The current draft permit contains no such language. As you know, Montana is located in a high desert environment with weather conditions often being cold and dry. Given this climate, it makes it very difficult, especially during the winter months, to control excessive fugitive emissions using</p>	<p>The Department will re-insert the language into the proposed permit, as requested.</p>

	normal BMPs. During these times, the use of water and/or chemical dust suppressants can result in extremely hazardous conditions for haul trucks and other mobile equipment. Stillwater believes the current permit language identified above recognized this fact. By removing this language, there is no acknowledgement from the Bureau of these operational realities as they relate to public safety and regulatory compliance. For these reasons, Stillwater recommends the Bureau re-insert this language into the new permit.	
Page 20, Section I.5	The 20% fugitive emission opacity limit identified in the last sentence should be 10%	The Department will change the 20% to 10% into the proposed permit, as requested.
Page 22, Section A Table	Pre-construction permit list should be extended through permit No. 2459-13.	The Department extended MAQP list through Permit #2459-13 into the proposed permit, as requested.

Summary of EPA Comments

Permit Reference	EPA Comment	Department Response
None	NA	NA

SECTION IV. NON-APPLICABLE REQUIREMENT ANALYSIS

Pursuant to ARM 17.8.1221, Stillwater requested a permit shield for all non-applicable regulatory requirements and regulatory orders identified in Table 8-1 of the permit application. The Department is in agreement with Stillwater regarding all non-applicable regulatory requirements and regulatory orders identified in Table 8-1 of the permit application. The permit shield is contained in Section IV of Permit #OP2459-04.

SECTION V. FUTURE PERMIT CONSIDERATIONS

A. MACT Standards

As of the date of permit issuance, the Department is not aware of any MACT Standards that are applicable to this source.

B. NESHAP Standards

As of the date of permit issuance, the Department is not aware of any NESHAP Standards that are applicable to this source.

Asbestos abatement projects and building demolition/renovation activities will be conducted in accordance with applicable asbestos regulatory requirements. Those regulatory requirements include, but are not limited to 29 CFR 1926.1101; 40 CFR 763 Sections 120, 121, 124, and Subpart E; 40 CFR Part 61 Subpart M; State of Montana Asbestos Control Act 75-2-501 through 519 MCA; and State of Montana Occupational Health Rules ARM 17.74.301 through 406. State-accredited asbestos abatement personnel shall conduct the abatement of regulated asbestos-containing materials. Asbestos-containing waste materials shall be transported properly and disposed of in a State-approved landfill.

C. NSPS Standards

The Concentrate Dryer (EU001), Crushing Ore (Surface) (EU003); Crusher Load-Out Hopper (EU004); Mill Load-Out Hopper (EU005); the Conveying System Transfer Points (EU006); and the Soda Ash Bin Vent (EU015) are subject to all applicable standards and limitations, and the reporting, recordkeeping, and notification requirements contained in 40 CFR Part 60, Subpart LL.

D. Risk Management Plan

As of the date of permit issuance, Stillwater does not exceed the minimum threshold quantities for any regulated substance listed in 40 CFR 68.115 for any facility process. Consequently, this facility is not required to submit a Risk Management Plan.

If a facility has more than a threshold quantity of a regulated substance in a process, the facility must comply with 40 CFR 68 requirements; 3 years after the date on which a regulated substance is first listed under 40 CFR 68.130 or the date on which a regulated substance is first present in more than a threshold quantity in a process, whichever is later.